

AMENDED IN ASSEMBLY APRIL 13, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1661

Introduced by Assembly Member Alquist

January 12, 1998

An act to ~~amend Sections 4502 and 4503 of, and to add Section 4015 to, the Family Code, relating to child support; add Section 9113 to the Welfare and Institutions Code, relating to aging.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1661, as amended, Alquist. ~~Child support: interest and attorney's fees~~ *Skilled nursing and residential care facilities: geographic guide.*

Under existing law, the Department of Aging provides leadership regarding aging, in developing systems of home- and community-based services that maintain individuals in their own homes or least restrictive homelike environments. Existing law separately regulates the operation of skilled nursing facilities, under the direction of the State Department of Health Services, and residential care facilities for the elderly, under the direction of the State Department of Social Services.

This bill would require the Department of Aging to develop and maintain a comprehensive, easily accessible geographic guide containing basic consumer information regarding skilled nursing facilities and residential care facilities for the elderly in California, including location and other identifying

information, and information relating to the types of services provided by the facility. The bill would also require the department to provide information relating to the number and nature of any final disciplinary actions taken by the appropriate state licensing agency against a facility.

~~Existing law provides that, in any proceeding where support of a child is at issue, the court may order either or both parents to pay child support. Existing law also provides that a judgment for child, family, or spousal support is enforceable, and an action to recover an arrearage in child support payments may be brought at any time within the period for enforcement, until the judgment is paid in full.~~

~~This bill would require orders for child support to contain a provision that, if the obligor defaults, he or she must pay interest, attorney's fee, and collection costs incurred by the support obligee. The bill would also specify that interest, collection costs, and penalties are included in a judgment for child, family, or spousal support and are recoverable in an action to recover child support arrearages.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1.—Section 4015 is added to the Family~~
- 2 *SECTION 1. The Legislature finds and declares as*
- 3 *follows:*
- 4 *(a) Inasmuch as the number of Californians over 60*
- 5 *years of age will double by the year 2020, as predicted by*
- 6 *the 1995 federal mid-decade census, from 3.3 million to an*
- 7 *estimated 6.6 million, and inasmuch as the number of frail*
- 8 *elderly, 85 years of age or older, will double as well, there*
- 9 *will continue to be a demand for institutional care, as part*
- 10 *of the continuum of social and health care services for our*
- 11 *aging population.*
- 12 *(b) No comprehensive, up-to-date catalogue of basic*
- 13 *data relating to nursing homes and residential care*
- 14 *facilities for the elderly is currently available to the*
- 15 *public. At the present time, the only available*
- 16 *publications are private, for-profit listings, for which the*

1 publisher receives payment from the facilities listed.
2 These publications do not include disclosure of public
3 records relating to disciplinary actions taken against these
4 institutions by licensing authorities.

5 (c) Provision of consumer information, and disclosure
6 of information contained in public records relating to
7 people and institutions licensed by the state is now
8 commonly accepted practice, authorized or required by
9 both statutory and regulatory law.

10 SEC. 2. Section 9113 is added to the Welfare and
11 Institutions Code, to read:

12 9113. (a) The department shall develop and
13 maintain a comprehensive, easily accessible geographic
14 guide containing basic consumer information regarding
15 skilled nursing facilities and residential care facilities for
16 the elderly in California, in order that the elderly and
17 their families may access fundamental information with
18 which to make important decisions about necessary levels
19 and types of care.

20 (b) The department shall make the geographic guide
21 available on the Internet, and shall update it at least
22 monthly, by contacting the appropriate licensing entities,
23 as follows:

24 (1) The State Department of Health Services, with
25 respect to skilled nursing facilities.

26 (2) The State Department of Social Services, with
27 respect to residential care facilities for the elderly.

28 (c) (1) The department shall obtain from the listed
29 facilities, and shall include in the guide, information
30 regarding basic identifying data, and changes of
31 ownership.

32 (2) The department shall obtain from the appropriate
33 licensing agencies copies of the public record portions of
34 disciplinary actions that are finalized by action of a court
35 of law, an administrative law judge, an uncontested
36 administrative action, or by a stipulation that is not
37 appealed to a court of law.

38 (d) The geographic guide listing for each facility shall
39 include, but not be limited to, all of the following:

1 (1) The name, address, and telephone number of the
2 facility.

3 (2) The number of units or beds in the facility.

4 (3) The number, and monthly cost, of private rooms,
5 and semi-private rooms, if the facility is operated in
6 conjunction with other levels of care.

7 (4) If the facility is a nursing home, whether it accepts
8 Medicare, includes a rehabilitation unit, accepts patients
9 with mild Alzheimer's disease or other mild dementia, or
10 allows for the keeping of small pets, and similar
11 information.

12 (5) The number and nature of any final disciplinary
13 actions, pursuant to paragraph (2) of subdivision (c),
14 taken by the appropriate state licensing agency against
15 the facility.

16 Code, to read:

17 ~~4015. Any order for child support issued or modified~~
18 ~~pursuant to this chapter shall include a provision~~
19 ~~requiring the obligor, if he or she defaults in the payment~~
20 ~~of support, to pay interest, as provided in Section 685.010~~
21 ~~and subdivision (b) of Section 685.020 of the Code of Civil~~
22 ~~Procedure, and to pay reasonable attorney's fees and~~
23 ~~other collection costs incurred by the child support~~
24 ~~obligee to enforce the order or otherwise obtain~~
25 ~~payment.~~

26 ~~SEC. 2. Section 4502 of the Family Code is amended~~
27 ~~to read:~~

28 ~~4502. Notwithstanding any other provision of law, a~~
29 ~~judgment for child, family, or spousal support, including~~
30 ~~a judgment for reimbursement or other arrearages, is~~
31 ~~exempt from any requirement that judgments be~~
32 ~~renewed. A judgment for child, family, or spousal~~
33 ~~support, including all lawful interest, collection costs, and~~
34 ~~penalties computed thereon, is enforceable until paid in~~
35 ~~full.~~

36 ~~SEC. 3. Section 4503 of the Family Code is amended~~
37 ~~to read:~~

38 ~~4503. If a parent has been ordered to make payments~~
39 ~~for the support of a minor child, an action to recover an~~
40 ~~arrearage in those payments, including all lawful interest,~~

1 ~~collection costs, and penalties computed thereon, may be~~
2 ~~maintained at any time within the period otherwise~~
3 ~~specified for the enforcement of the judgment,~~
4 ~~notwithstanding the fact that the child has attained the~~
5 ~~age of 18 years.~~

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